

REMARKS/ARGUMENTS

Claims 1-6, 8-27, and 29-42 are pending in the present application. Claims 17, 20-22, 38, 41, and 42 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

Claims 22-27, 29-38, 39 and 40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting independent Claims 22 and 38, the Examiner makes note of an antecedent basis issue with respect to the terminology 'neutral viewable format'. Applicants have amended such claims to correct this antecedent basis issue, by deleting the word 'neutral'. Dependent Claims 23-27, 29-37, 39 and 40 are similarly corrected by such correction to their respective independent claims.

Therefore the rejection of Claims 22-27, 29-38, 39 and 40 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 103, Obviousness

Claims 1-6, 8-27 and 29-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lowell (U.S. Patent No. 6,012,086) and Braun et al. (International Publication No. WO 01/502269 A2). This rejection is respectfully traversed.

With respect to Claim 1, it is urged that none of the cited references teach or otherwise suggest the claimed two-step conversion process, where a media data stream is first converted to a viewable format, and this viewable format is then converted to a desired format from the viewable format. In rejecting this intermediate, viewable format conversion step, the Examiner expressly acknowledges that neither the cited Lowell reference nor the cited Braun reference teach such intermediate viewable format conversion step (see, e.g., page 4 of the present Office Action dated October 15, 2007). However, the Examiner then states that some uncited reference to Sena teaches such missing claimed element. Applicants urge two-fold error in such position. First, Claim 1 is rejected under 35 U.S.C. § 103 as being unpatentable over Lowell (U.S. Patent No. 6,012,086) and Braun et al. (International Publication No. WO 01/502269 A2). There is no mention of any Sena reference as being used in this statutory rejection. Second, even if Sena were properly included in the formal list of references being used to reject Claim 1, Sena does not in fact teach or suggest an intermediate *viewable* format. Instead, the Sena intermediate format is 'integratable', but is not 'viewable' (Sena page 5, paragraph [0072]). The purpose of this intermediate format is so that previously broken down files that were broken down to their low-level

components can subsequently be reintegrated together. There is no need or desire that such Sena intermediate format is 'viewable', as claimed. Thus, Claim 1 has been erroneously rejected under 35 U.S.C. § 103 as being unpatentable over Lowell (U.S. Patent No. 6,012,086) and Braun et al. (International Publication No. WO 01/502269 A2) as the Examiner has failed to properly establish a prima facie showing of obviousness¹ (an intermediate, *viewable* format for the data stream being converted).

Applicants initially urge error in the rejection of Claims 2-6 and 8-16 for reasons given above with respect to Claim 1 (of which Claims 2-6 and 8-16 depend upon).

Further with respect to Claim 8 (and dependent Claim 9), Applicants urge that none of the cited references teach or suggest the claimed feature of "wherein a set of codecs are used to convert the media data stream from the initial format to the viewable format and to convert the media data stream from the viewable format to the desired format". In rejecting Claim 8, the Examiner asserts that an uncited reference to Sena teaches all elements of Claim 8. Applicants urge that even assuming *arguendo* that the Examiner is properly using the Sena reference in the current rejection of Claim 8 (which Applicants deny), such reference does not teach or suggest (i) multiple codecs (Claim 8 recites 'codecs'), or (ii) any codec. As is commonly known in the art, a codec performs both encoding and decoding². Sena does not teach or otherwise suggest any type of device or program that performs both encoding and decoding of a data stream. For example, as per Sena's block 420 of Figure 7, such block is described as being a single block that performs compression (Sena page 5, paragraph [0071]), where the compressed data is then passed along to the publishing manager module. There is no additional decompression or decoding done by this block 420, and therefore it is unreasonable to interpret block 420 as being a codec. In addition, and even assuming *arguendo* that Sena's block 420 were a codec (which Applicants deny), that would only establish an alleged existence of a single codec, whereas per the features of Claim 8 there are multiple codecs used in the two-staged conversion process. This distinction can also be seen by the fact that the alleged intermediate format conversion is performed by Sena's block 460 (Sena page 5, paragraph [0072]), which is a totally different block that provides totally different functionality from Sena's compression block 420. Therefore, Sena's block 460 is similarly not a codec, or a plurality of codecs, as

¹ To establish prima facie obviousness of a claimed invention, *all of the claim limitations must be taught or suggested by the prior art*. MPEP 2143.03. See also, *In re Royka*, 490 F.2d 580 (C.C.P.A. 1974). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

² A codec is a device or program capable of performing encoding and decoding on a digital data stream or signal. The word *codec* may be a combination of any of the following: 'compressor-decompressor', 'coder-decoder', or 'compression/decompression algorithm'. Source: <http://www.wikipedia.com>

that term is commonly known to mean. Thus, it is further shown that Claim 8 has been erroneously rejected, as a proper *prima facie* showing of obviousness has not been established by the Examiner (multiple *codecs* used by the two-staged conversion process).

Further with respect to Claim 9, such claim recites “wherein the viewable format is a format displayable by an operating system in the data processing system”. As can be seen, the intermediate viewable format is further embellished in Claim 9 to be a format that is displayable by an operating system of the data processing system. In rejecting Claim 9, the Examiner states that Lowell teaches all of the features of Claim 9. Applicants urge clear error, as the Examiner has already explicitly acknowledged that the cited Lowell reference does not teach the claimed viewable format (see, e.g., page 4 of the present Office Action dated October 15, 2007), so it is not possible for Lowell to teach further details pertaining to such a (missing) viewable format that are expressly recited in Claim 9. Thus, it is further shown that Claim 9 has been erroneously rejected, as a proper *prima facie* showing of obviousness has not been established by the Examiner (the viewable format is a format displayable by an operating system in the data processing system).

Applicants initially traverse the rejection of Claims 17-27 and 29-42 for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claims 20, 21 and 29 (and dependent Claim 30) for similar reasons to the further reasons given above with respect to Claim 8.

Applicants further traverse the rejection of Claims 17, 22, 30, 38, 41 and 42 for similar reasons to the further reasons given above with respect to Claim 9.

Therefore, the rejection of Claims 1-6, 8-27 and 29-42 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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